



**MILPITAS CITY COUNCIL AGENDA**  
**TUESDAY, JANUARY 20, 2015**  
**455 EAST CALAVERAS BOULEVARD, MILPITAS, CA**  
**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)**



**SUMMARY OF CONTENTS**

- I. CALL TO ORDER by the Mayor (7:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
  - 1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**  
Pursuant to California Government Code Section 54957.6  
City Negotiators: Tom Williams, Carmen Valdez  
Employee Groups: Milpitas Employees Association (MEA), Mid-management and Confidential Unit (Mid-Con), and Professional and Technical Group (ProTech)  
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
  - 2. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**  
Pursuant to California Government Code Section 54956.9  
Claim of Mitch Timko  
Worker's Compensation Appeals Board Case No. ADJ 9470599
  - 3. CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**  
Pursuant to California Government Code Section 54956.9  
City as Plaintiff
- III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – January 6, 2015 (2)**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – January and February 2015**
- VIII. PUBLIC FORUM**

---

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

---
- IX. ANNOUNCEMENTS**
- X. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- XI. APPROVAL OF AGENDA**
- XII. CONSENT CALENDAR (Items with asterisks\*)**

---

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

---

### **XIII. REPORTS OF MAYOR AND COMMISSION**

- 1. Approve Mayor's Recommendation for Appointment of Residents to New Campaign Finance Reform Committee (Contact: Mayor Esteves, 408-586-3029)**
- \* 2. Approve Parks, Recreation and Cultural Resources Commission 2015 Work Plan (Staff Contact: Jaime Chew, 408-586-3234)**
- \* 3. Consider Mayor's Recommendations for Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

### **XIV. NEW BUSINESS**

- \* 4. Approve the Proposal for the Annual Commissioners' Recognition Event for 2015 (Staff Contact: Dale Flunoy, 408-586-3228)**

### **XV. RESOLUTIONS**

- \* 5. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**
- \* 6. Adopt a Resolution to Award and Approve a Contract for City Wide Printing Services to JP Graphics, Inc. for Annually Not-To-Exceed \$70,000 (Staff Contact: Chris Schroeder, 408-586-3161)**
- \* 7. Adopt a Resolution to Amend the Classification Plan to Reestablish the Positions of Public Works Director and City Engineer (Staff Contact: Carmen Valdez, 408-586-3086)**
- \* 8. Adopt a Resolution in Support of Project Blue Light During the Holiday Season and the Month of January to Honor Fallen Police Officers and Those Presently Serving (Contact: Councilmember Grilli, 408-586-3031)**

### **XVI. AGREEMENT**

- \* 9. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000 and Approve a Budget Appropriation from the Solid Waste Fund (Staff Contact: Steve Machida, 408-586-3355)**

### **XVII. DEMANDS**

- \* 10. Approve Payment of Annual Software Support and Maintenance Fees (Staff Contact: Mike Luu, 408-586-2706)**
- \* 11. Receive Report of Emergency Removal of Playground Equipment from Apex Park and Authorize Staff to Pay Lyon Communities Invoices Totaling \$52,942.53 from CIP No. 5099 (Staff Contact: Steve Machida, 408-586-3355)**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, FEBRUARY 3, 2015**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov) / Phone: 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3<sup>rd</sup> floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:  
[www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

**APPLY TO SERVE ON A CITY COMMISSION**

Seeking Applications for:  
Community Advisory Commission  
Parks, Recreation and Cultural Resources Commission  
Recycling and Source Reduction Advisory Commission (MUSD member)

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at Milpitas City Hall.  
Contact the City Clerk's office at 408-586-3003 for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings in that facility.*

## AGENDA REPORTS

### **XIII. REPORTS OF MAYOR AND COMMISSION**

**1. Approve Mayor's Recommendation for Appointment of Residents to New Campaign Finance Reform Committee (Contact: Mayor Esteves, 408-586-3029)**

**Background:** On December 16, 2014, Mayor Esteves recommended to the City Council to establish a new Campaign Finance Reform Committee, which will be an ad hoc group to meet and discuss potential changes to regulations regarding the financing of campaign donations and expenditures. The following residents contacted the City Clerk expressing interest to serve on the Committee: Bill Ferguson, Lokesh Krishnarajpet, Martha Lamdin, Andrae Macapinlac, Rajeev Madnawat, Robert Marini, Rob Means, Syed Mohsin, Bob Nunez, Althea Polanski, Marty Riker, Rohit Sharma and Thomas Valore.

Deadline to receive notice of interest from residents was 5:00 PM on January 14, 2015, the date when the Council agenda must be posted (per Open Government in the Municipal Code). Mayor Esteves would review all candidates and make a recommendation through an addendum (memo to City Council) on Friday, January 16.

**Recommendation:** Per the Mayor's recommendation, appoint residents to the ad hoc Campaign Finance Reform Committee.

**\* 2. Approve Parks, Recreation and Cultural Resources Commission 2015 Work Plan (Staff Contact: Jaime Chew, 408-586-3234)**

**Background:** At the January 5, 2015 Parks, Recreation and Cultural Resources Commission meeting, the Commission reviewed and approved a draft 2015 Work Plan. The Commission's 2015 Work Plan identifies Commissioners' goals, projects and ongoing tasks they would like to accomplish for the year.

**Recommendation:** Approve the Parks, Recreation and Cultural Resources Commission 2015 Work Plan.

**\* 3. Consider Mayor's Recommendation for Appointments on Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

**Background:** Mayor Esteves recommends the following Alternate Members to be moved up on their respective Commissions.

**Community Advisory Commission:** move up three alternate members as follows:

Appoint current Alternate No. 2 Ashish Kathapurkar as a regular, voting member to a term that will expire in January of 2019.

Appoint current Alternate No. 3 Ashok Sharma as a regular, voting member to a term that will expire in January of 2018.

Appoint current Alternate No. 4 Mike Bilbao as Alternate No. 1 to a term that will expire in January of 2017.

**Parks, Recreation and Cultural Resources Commission:** move up two alternate members

Appoint current Alternate No. 1 Bhupinder (Bill) Singh as a regular, voting member to a term that will expire in June of 2017.

Appoint current Alternate No. 2 Mike Bilbao as Alternate No. 1 to a term that will expire in June of 2016.

**Recommendation:** Receive Mayor's recommendations and move to approve appointments by moving up alternate members (as noted) on the CAC and PRCRC.

#### XIV. NEW BUSINESS

- \* 4. **Approve the Proposal for the Annual Commissioners' Recognition Event for 2015 (Staff Contact: Dale Flunoy, 408-586-3228)**

**Background:** The City of Milpitas recognizes its Commissioners each year in April at the Annual Commissioners' Recognition Event. The event celebrates the volunteerism of Commissioners and their accomplishments. Many positive comments on the theme and venue were received from the Commissioners on last year's recognition lunch event at the Milpitas Community Center. The Mayor and City Council members thanked Commissioners for their volunteer service and acknowledged their service with certificates. In the past, Commissioner Recognition events have been a Saturday morning brunch or lunch at a local restaurant or City facility. Last year, Commissioners were recognized with a catered lunch at the Milpitas Community Center.

Approximately 150 Commissioners, guests and liaison staff attend the event. A catered luncheon costs approximately \$25-\$30 per person and \$8,000 was allocated in the FY 2014-15 budget for this event.

Staff polled Commission Chairs and Vice Chairs to ask what type of recognition event they would like in 2015. They were asked to choose from the following options. 16 responses were received, with numbers of each noted:

Recognition Lunch - 6  
Recognition Brunch - 3  
Recognition Ceremony during a City Council meeting - 2  
Something else (other) - 2  
Nothing at all - 3

**Fiscal Impact:** None.

**Recommendation:** Approve the 2015 Commissioners Recognition Event as a catered luncheon to be held at the Milpitas Community Center on Saturday, April 25, 2015 from 11:30 am to 1:30 pm, at a cost that will not exceed \$8,000.

#### XV. RESOLUTIONS

- \* 5. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

**Background:** The City Council awarded the Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116 to Suarez & Munoz Construction, Inc. on March 18, 2014. The project provided various improvements at Pinewood Park including installation of group picnic areas, repair and replacement of play lot and structures, replacement of the tennis court backstop wall, rehabilitation of irrigation, lighting, and landscaping. The replacement of the tennis court ball wall at Robert E. Browne Park and electrical repairs at Hall Memorial Park were included in this project. The project was successfully completed on time and within budget. Staff recommends the City Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$180,928.45, which is 10% of the final contract value. Staff also recommends the City Council authorize the City Engineer to issue the Notice of Final Acceptance and to release the performance bond after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the City Engineer.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting initial acceptance of the Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, subject to a one year warranty period, and reduction of the faithful performance bond to \$180,928.45; and granting authorization to the City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.

- \* **6. Adopt a Resolution to Award and Approve a Contract for City Wide Printing Services to JP Graphics, Inc. for Annually Not-To-Exceed \$70,000 (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** On October 24, 2014, staff published and released a Request For Proposals (RFP) soliciting printing services for all city departments. The RFP was advertised in the local newspaper, on the City website, and on Public Purchase web database. The intent of the solicitation was to identify a single company that could provide both digital duplicating and off set press work, including full color. Three proposals were submitted and evaluated across a wide selection of print specifications and specific RFP criteria. The company backgrounds, technical abilities, and references were evaluated. All three proposers were invited to submit best and final offers of their unit pricing. Based upon a comprehensive evaluation of each proposal as well as best and final unit pricing offers, staff recommends a contract award to JP Graphics, Inc. as the highest ranked proposer. Per requirements of the RFP, the recommended contract award is for one year, with four additional, one-year options for the annual not-to-exceed amount of \$70,000 with annual price adjustment based on the Consumer Price Index or 3%, whichever is less. In recent years, the existing contract for printing services has averaged just under \$70,000 per year. JP Graphics, Inc. is the current provider of printing services for the City of Milpitas.

**Fiscal Impact:** None. Funds for these services are budgeted in various departments' operating budgets for FY 2014-15.

**Recommendation:** Adopt a resolution awarding and approving a contract with JP Graphics, Inc. for the annual not-to-exceed amount of \$70,000.00 with the option for annual renewals not-to-exceed a total contract term of five years.

- \* **7. Adopt a Resolution to Amend the Classification Plan to Reestablish the Positions of Public Works Director and City Engineer (Staff Contact: Carmen Valdez, 408-586-3086)**

**Background:** Periodically, amendments to the Classification Plan are required to account for organizational changes, equity adjustments to salary ranges and other related changes or conditions.

In 2005, the positions of the Public Works Director and City Engineer were combined to help with efficiencies and to achieve budget savings due to a downturn of the economy. Along with the reclassification, staff recommended adjustment of the salary to reflect the expanded duties. The current salary range for the Public Works Director/City Engineer is \$152,645 - \$198,530.

With the recent staff change, the City Manager has an opportunity to analyze the workload and span of management control of the Public Works Director/City Engineer position and has determined that the responsibilities were too tremendous for one person to oversee. The Human Resources Department was tasked with analyzing internal City classifications and to survey other public agencies to determine responsibilities and salary ranges of a City Engineer and a Public Works Director as separate positions. Results of the analysis indicate that there are many agencies that retain separate classifications. The proposed salary range for the Public Works Director and the City Engineer is \$152,199 - \$185,000 respectively, and is reasonable based on survey of other cities and comparable responsibilities within the City. Revised job descriptions for the Public Works Director and City Engineer are included in the City Council agenda packet for review.

**Fiscal Impact:** There is adequate funding for a Public Works Director in the FY 2014-15 Operating Budget and funding for the City Engineer will require an additional \$68,000 appropriation to the Engineering Department budget.

**Recommendations:**

- 1) Adopt a resolution amending the City of Milpitas Classification Plan to reestablish a Public Works Director and a City Engineer with annual salary ranges of \$152,199 - \$185,000.
- 2) Approve the budget appropriation of \$68,000 to the Engineering Department budget.

**\* 8. Adopt a Resolution in Support of Project Blue Light During the Holiday Season and the Month of January to Honor Fallen Police Officers and Those Presently Serving (Contact: Councilmember Grilli, 408-586-3031)**

**Background:** In 1988, the organization “Concerns of Police Survivors” (“COPS”) received a letter from Mrs. Dolly Craig of Philadelphia stating that she would be putting blue lights in her window during the holiday season in honor of her son-in-law, Danny Gleason, a Philadelphia Police Officer who was killed in the line of duty in 1986. COPS shared this idea with others and now thousands of blue lights shine nationwide during the holiday season to honor and remember those law enforcement officers who have given their lives in service to the profession. The blue lights also thank those officers who continue to work in America’s increasingly dangerous streets each and every day of the year.

With the recent tragic incidents in New York and Arizona, City Council is requested to adopt a resolution to join other cities across the nation in supporting local police officers in honor of what they do for the citizens every day and in remembrance of all fallen officers.

**Recommendation:** Adopt a resolution in support of Project Blue Light during the holiday season and the month of January to honor fallen police officers and those presently serving the police force.

## **XVI. AGREEMENT**

**\* 9. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000 and Approve a Budget Appropriation from the Solid Waste Fund (Staff Contact: Steve Machida, 408-586-3355)**

**Background:** The Milpitas community continues to experience frequent and severe odor events from Newby Island Landfill and Recyclery. The owner of the landfill is moving through a multi-step permitting process which will ultimately result in extending the Newby Island Landfill life until approximately 2041. Milpitas staff is reviewing technical documents and challenging each process. Due to the heavy workload of utility engineering and the specialized nature of this review, the City entered into an agreement with CalRecovery, an engineering consulting firm specializing in solid waste management on October 16, 2014 in the amount of \$15,000 for a two year term. CalRecovery has expertise in the field of solid waste processes, state permitting requirements, and odor mitigation practices, is familiar with the processes at Newby Island, and has assisted the City of Milpitas in the past. It is now necessary to amend the agreement to continue the technical review of the permit documentation.

**California Environmental Quality Act (CEQA):** The Amendment is exempt from CEQA as there will be no physical change to the environment.

**Fiscal Impact:** A budget appropriation of \$35,000 is needed from the Solid Waste Fund to the utility Engineering Operating Budget.

**Recommendations:**

1. Approve Amendment No. 1 to the consultant agreement with CalRecovery for On-Call Services in the amount of \$35,000.
2. Approve a budget appropriation from the Solid Waste Fund in the amount of \$35,000.

## **XVII. DEMANDS**

- \* 10. Approve Payment of Annual Software Support and Maintenance Fees (Staff Contact: Mike Luu, 408-586-2706)**

**Background:** The City utilizes a number of automated systems for critical functions such as utility billing, human resources management and financial management. These systems require payment for annual support and maintenance fees in order to continue vendor support. This generally included telephone support, software fixes and new software versions. The annual maintenance payment is due to CRW and requires payment in order to continue support through fiscal year 2014-15, to CRW (Building Permit and Land Management Software) for \$22,000.00.

**Fiscal Impact:** None. Funding for these annual maintenance payments is included in the Information Services Department budget.

**Recommendation:** Authorize payment of annual support and maintenance to CRW (for Building Permit and Land Management Software) in the amount of \$22,000.00.

- \* 11. Receive Report of Emergency Removal of Playground Equipment from Apex Park and Authorize Staff to Pay Lyon Communities Invoices Totaling \$52,942.53 from CIP No. 5099 (Staff Contact: Steve Machida, 408-586-3355)**

**Background:** Pursuant to state public contracting law and adopted City Council Resolution No. 7779, the Director of Public Works must report all emergency public works repairs to the City Council. Shortly after Apex Park opened, safety concerns arose due to the close proximity of the tot lot (and wandering children) to high-volume high-speed traffic on east-bound Great Mall Parkway. City staff directed the Developer (Lyons) to remove the tot lot equipment and restore the surface with vegetation and pavers to match the surrounding area. The emergency work included design of the surface improvements and related drainage at Apex Park, removal of the tot lot play equipment and transportation to the Public Works Yard for storage, installation of drainage, pavers, plantings; construction management oversight, and survey work and design for tot lot installation at Ben Rodgers Park. The tot lot equipment is slated to be installed at Ben Rodgers Park in conjunction with a future Capital Improvement Project.

All previous mitigation measures and monitoring and reporting program adopted for the Apex Park project (PJ 2583 and PJ 2908) are still applicable and no new conditions exist that invalidate the previous environmental determination or will not create a significant environment impact that require further analysis under CEQA.

**Fiscal Impact:** Payment will be made from the Park Renovation Projects fund, CIP No. 5099 fund. There are sufficient funds.

**Recommendation:** Receive report of emergency removal of playground equipment from Apex Park and authorize staff to pay Lyon Communities invoices totaling \$52,942.53 for repair work.

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, FEBRUARY 3, 2015**